

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORIGINAL

TRACEY WHITE, et al.,)

Plaintiffs,)

vs.)

Cause No. 14-cv-01490-HEA

THOMAS JACKSON, et al. ,)

Defendants.)

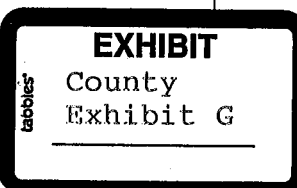
VIDEO DEPOSITION OF WILLIAM DAVIS

Taken on behalf of the Defendants
RYAN, McCOY, McCANN, BELMAR, and ST. LOUIS COUNTY

September 29, 2015

Reported by: Christine A. LePage, CCR #1000

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1 A Yes, sir.

2 Q And you were present the whole time?

3 A Yes, sir.

4 Q Okay. So you saw and heard everything she said?

5 A Yes, sir.

6 Q And I guess you heard your attorney at some

7 point say that I didn't say who else was in the room,

8 there was a sergeant in the room, and so I identified him.

9 He's not in the room now; is that correct?

10 A Yes, sir, he's not.

11 Q But Mr. Lattimer hasn't identified one of his

12 clients who is in the room, but that's okay, I will, so

13 there's another man in the room; is that correct?

14 A Yes, sir.

15 Q And I believe that's Mr. Theophilus Green?

16 A Yes, sir.

17 Q Do you know him?

18 A No, sir.

19 Q And you had time -- You had a long chance to

20 look at the officer that was here during your mother's

21 deposition, correct?

22 A Yes, sir.

23 Q And have you seen him before?

24 A No, sir.

25 Q Okay. So are you saying that he, as far as you

1 know, he was not involved in your arrest?

2 A No, sir.

3 Q He was not?

4 A He wasn't.

5 Q Okay. And you agree he was not involved in your
6 arrest?

7 A Yes, sir.

8 Q And did you see your mother arrested?

9 A Actually I did, I did see her arrested.

10 Q Okay. So that officer was not involved in your
11 mother's arrest as far as you know?

12 A Yes, sir, he wasn't.

13 Q He was not?

14 A He was not.

15 Q Okay. And did you ever see that officer inside
16 the McDonald's on Wednesday, August 13th, 2014?

17 A No, sir.

18 Q Okay. Do you recall seeing him outside the
19 McDonald's?

20 A No, sir.

21 Q Okay. And let me ask you a question I asked
22 your mother. What have you looked at in preparation for
23 your deposition?

24 A Well, actually I didn't have a chance to look
25 over it. I said I didn't have a chance to look over it.

1 A Yes, sir.

2 Q Okay. And you're aware that you were named in a
3 lawsuit and you sued some police officers?

4 A Yes, sir.

5 Q And in that lawsuit it is alleged, as I
6 indicated to your mom, that in Paragraph 37 it is alleged
7 that there was civil unrest in the streets of Ferguson,
8 Missouri. Were you aware that was alleged?

9 A Actually I wasn't aware that that was alleged.

10 Q Okay. Do you agree that there was civil unrest
11 in the streets of Ferguson, Missouri?

12 A Yes, sir.

13 Q How do you know that?

14 A Because the people -- the people over there was
15 just sad about what happened to Michael Brown, just so
16 much chaos and just stress.

17 Q Okay. You were aware that there was chaos in
18 the streets of Ferguson?

19 A Yes, sir.

20 Q Were you aware that buildings were burned?

21 A Yes, sir.

22 Q You were aware there was looting?

23 A Yes, sir.

24 Q You were aware that there was gunshots in the
25 streets of Ferguson?

1 A Yes, sir.

2 Q You were aware that rocks and bottles were
3 thrown at police?

4 A Yes, sir.

5 Q And did you know that because people told that
6 to you or did you watch TV or you were there yourself?

7 A I know that because I was watching CNN and I saw
8 what was going on.

9 Q Okay. So and then on August 13th, 2014, you
10 went to West -- in the area of West Florissant Avenue with
11 your mother; is that correct?

12 A Yes, sir, that's correct.

13 Q Was that the first time you had been there since
14 the shooting of Michael Brown?

15 A No, sir.

16 Q How many times had you been there before that?

17 A Probably about -- Probably like five, about five
18 times.

19 Q About what?

20 A About five times.

21 Q Five times. When you went there five times
22 before, did you go with your mother before?

23 A No, sir, it was probably between me going with
24 my mother or my dad.

25 Q So how many times did you go with your mom

1 before?

2 A Probably like three times.

3 Q How many times with your dad?

4 A Probably two.

5 Q And did you go there with any friends, anyone

6 else?

7 A No. No, sir.

8 Q And when you went there three times with your

9 mom, is this three times before August 13th?

10 A Yes, sir.

11 Q Okay. Where did you go with your mom?

12 A We had went to Walgreens or to the salon, hair

13 salon.

14 Q So you went to Ferguson, you went to West

15 Florissant?

16 A Uh-huh.

17 Q Did you go there during the day or during the

18 night?

19 A Mainly during the day.

20 Q Did you go there at night at all?

21 A I can't remember.

22 Q I kind of think if I went there at night I would

23 remember it.

24 MR. LATTIMER: Doesn't matter what you think or

25 what you remember.

1 A I'm talking about before Michael Brown got shot,
2 sir, not during the time of the incident happening, I'm
3 talking about way before that time, before August 13th,
4 probably like in January or December.

5 Q (by Mr. Hughes) Okay. After Michael Brown --
6 Let's start over. After Michael Brown was shot, you
7 remember when he was shot?

8 A Yes, sir.

9 Q And you agree that after he was shot there
10 developed some civil unrest in the streets; is that
11 correct?

12 A Yes, sir.

13 Q And you knew about it?

14 A Uh-huh.

15 Q And -- Is that a yes?

16 A Yes, sir.

17 Q And then on August 13th, we know that you and
18 your mom went over to the area of West Florissant; is that
19 correct?

20 A Yes, sir.

21 Q Okay. Before August 13th and after Michael
22 Brown was shot, how many times did you go to Ferguson?
23 How many times did you go to West Florissant?

24 A I just answered that question for you, I said
25 five times.

1 Q Okay. That's what I understood, okay. So after
2 Michael Brown was shot, and before this date, Wednesday,
3 August 13th, you went there five times?

4 A You're asking me the same question I already
5 answered.

6 Q Right, okay. And tell me what you saw the three
7 times you went there after Michael Brown was shot, what
8 did you see?

9 A Okay, so before Michael Brown was shot --

10 Q No, I'm talking about after Michael Brown was
11 shot.

12 A All right. After he was shot, the QuikTrip had
13 got burnt down and then the hair salon had got broken
14 into.

15 Q Okay. You saw the QuikTrip had burned down and
16 you saw the hair salon had gotten broken into?

17 A Uh-huh. Yes, sir.

18 Q What else did you see?

19 A Well, the rest of it on TV I saw -- I saw people
20 walking down the street and officers shooting tanks and
21 stuff at them, throwing tear gas and stuff.

22 Q I'm talking about when you went there in person
23 three times with your mom and two times with your dad.

24 MR. LATTIMER: You got this all wrong, you're
25 confusing the situation. He's told you he did not go

1 MR. LATTIMER: Answer it again. Let's try to
2 make this as short and sweet as possible. Answer his
3 question.

4 A Okay. So after Michael Brown was shot, when I
5 went there, the QuikTrip, it was still up until we had
6 left from there, and then when I -- like as soon as I went
7 home I turned on the TV, I was watching CNN, and then I
8 found out the people over there in Ferguson, they burnt
9 down the QuikTrip and then they broke into the hair salon.

10 Q (by Mr. Hughes) Okay. And then did you go back
11 and see that for yourself?

12 A No, sir, I didn't.

13 Q Okay. Is there anything different that you saw
14 when you went there with your father two times?

15 A No, sir, it still looked the same.

16 Q All right. When you went there those three
17 times with your mom and two times with your dad, did you
18 just drive in a car and look or did you get out and walk
19 around?

20 A We just drove in a car and looked.

21 Q Okay. Let's talk about August 13th. Do you
22 remember that day, Wednesday, August 13th, 2014?

23 A Yes, sir.

24 Q Okay. So what did you do earlier that day?

25 A Okay. So on that day my stepdad, he had dropped

1 he was saying like this McDonald's is not cooperating
2 right, this and that, just saying like real bad things
3 about that McDonald's.

4 And then so I decided to listen to him, get my
5 stuff. And then but like as I was walking out, I was a
6 little startled because I was trying to figure out what
7 was going on at first to see if they was pushing us out of
8 nowhere or if they just wanted us to go, like walk off
9 somewhere, so I was just looking around, walking around
10 the McDonald's.

11 So I got my stuff and then I had walked out, and
12 my mother was standing right there by the door talking to
13 this other SWAT member that had on all black. And then I
14 had walked out the McDonald's with my mother, and then we
15 had walked across the McDonald's parking lot.

16 So we was walking to our right, and I turned my
17 head, and I saw a group of police officers and like SWAT
18 members in like different colored uniforms like forming a
19 line, like drawing out sticks and stuff. And then we
20 continued to walk to our right, and then we just stood
21 there at first to figure out what was going on.

22 And then the SWAT members, they started to push
23 us forward, they told us to move, so we started to move,
24 and we were just continuing to walk. So like they still
25 pushing us backward in this neighborhood that we didn't

1 Q And then you had to walk somewhere, you had to
2 walk a while to get to the rally; is that right?

3 A Yes, sir, yeah, we was walking down the street
4 to the peace rally.

5 Q And how long were you at the rally?

6 A Probably about ten minutes. But we had left
7 from there after the police officers started coming in
8 with their tanks and sticks and stuff.

9 Q Did you hear any of the speakers at the rally?

10 A I can't recall.

11 Q You said, and this was your term, that then it
12 got heated. Was it the crowd getting heated?

13 A No -- Yes, sir, because the officers started
14 like coming in with their sticks saying, "What are you all
15 doing," just messing up the whole peace rally, just
16 intruding, just like pushing and shoving and just breaking
17 up the peace rally.

18 Q And where exactly was this peace rally?

19 A This was in the middle of the street in
20 Ferguson, towards the burnt down QuikTrip.

21 Q Okay. When you say the middle of the street, do
22 you mean the middle of West Florissant?

23 A Yeah. So, yeah, it was like -- All right, this
24 is the middle, (indicating,) so the burnt down QuikTrip
25 was like right here, (indicating,) so they was just like

1 relevancy, materiality, lack of foundation, he couldn't
2 possibly know what other people wanted to do or did and
3 why. You can answer to the extent you can.

4 MR. HUGHES: Can you read back the question? I
5 want to make sure he hears the question.

6 (Whereupon the pending question was read by the
7 court reporter.)

8 MR. LATTIMER: Same objection.

9 A I'm not sure.

10 Q (by Mr. Hughes) Well, you said things got
11 heated, and so --

12 A As far as, I mean, the officers were saying
13 like, "Get out the street," and just started -- officers
14 was yelling something, "Get out the street, get out the
15 street," and stuff like that, and taking out sticks and
16 stuff.

17 Q Was this over a loud speaker?

18 A I don't remember.

19 Q All right. Were police being yelled at?

20 MR. LATTIMER: Objection as to relevance and
21 materiality.

22 A I wasn't really aware of everybody else, I was
23 only aware of myself and what I was doing.

24 Q (by Mr. Hughes) Did you see objects thrown at
25 the police?

1 the time?

2 A No, sir, I didn't hear nothing.

3 Q Okay.

4 A All I heard was the officers just yelling and
5 drawing out their sticks and pulling up with tanks and
6 stuff.

7 Q And, okay, you heard officers yelling, and
8 obviously -- it was obvious to you that the officers
9 wanted people to leave the street?

10 A Yeah, but they was --

11 MR. LATTIMER: There's no question pending.

12 Q (by Mr. Hughes) And so I think the answer was
13 yes. So what you said earlier then is you and your mom
14 only stayed at the rally for ten minutes, right?

15 A Yes, sir.

16 Q So at that point, would it be a fair statement
17 that you and your mom did what the police asked to do,
18 that is to leave the street?

19 A Yeah, we did.

20 Q And then you then decided to go the McDonald's?

21 A Yes, yeah, after we left from the rally we had
22 walked to the right side of the street and we continued to
23 walk on the sidewalk to the McDonald's.

24 Q Okay. And how long did it take you to get to
25 the McDonald's?

1 A Probably about 15 minutes.

2 Q Okay. Fifteen-minute walk. And then you arrive
3 at the McDonald's, and sounds like you stayed there for --

4 A About an hour.

5 Q -- a pretty good period of time. What?

6 A Yes, sir.

7 Q How long? An hour, you said?

8 A Yeah, probably about an hour.

9 Q Can you give me your best estimate what time you
10 arrived at the McDonald's?

11 A I can't recall.

12 Q All right. But anyway, you stayed there for an
13 hour, while you were there you ordered some food and you
14 sat down and you ate the food?

15 A Yes, sir.

16 Q Okay. And then also you wanted to have dessert?

17 A Yes, sir.

18 Q So you went up and ordered dessert?

19 A Yes, sir.

20 Q Okay. And while you were there, did you talk to
21 anybody besides your mom?

22 A That's about it, I was just talking to my
23 mother.

24 Q Okay. And then at some point your mom gets up
25 and walks out the door of McDonald's; is that right?

1 A Yeah, yes, sir, because she had told me that her
2 phone had died and she was going to look for my stepdad
3 that was coming to pick us up.

4 Q Did you have a cell phone then?

5 A No, sir.

6 Q Do you have one now?

7 A No, sir.

8 Q Okay. And after your mom walked out of the
9 McDonald's because the cell phone had died, you remained,
10 you already said that. How long did you remain inside the
11 McDonald's before you went outside?

12 A I was in there for about an hour.

13 Q Okay. Maybe you didn't understand my question,
14 but maybe you did, maybe you answered, but maybe I didn't
15 ask a clear question. After your mom walked outside, she
16 never -- she did not come back in?

17 A That's correct.

18 Q After she walked outside, how long did you
19 remain inside McDonald's by yourself?

20 A Around an hour.

21 Q Okay. Before she walked outside, how long were
22 you and your mom inside McDonald's together?

23 A We was in there about -- together probably
24 around, I don't know, probably like 25 minutes or 20
25 minutes.

1 Q So you were inside McDonald's either, you know,
2 sometimes with your mom and sometimes by yourself, and if
3 you added that together, you were inside McDonald's about
4 an hour and 25 minutes; is that a fair statement?

5 A Yes, sir.

6 Q Okay. And then while your mom is outside the
7 McDonald's, you said some SWAT people come in; is that
8 correct?

9 A Yes, sir.

10 Q Now, before they came in, did you see any
11 officers come in the McDonald's and talk to anybody?

12 A Can you say the question again?

13 Q Yeah. You told us at some point the SWAT
14 members came inside McDonald's?

15 A Yes, sir.

16 Q Before that happened --

17 A Yes, sir.

18 Q -- did any officers come inside the McDonald's
19 for any reason?

20 A No.

21 Q Okay. Like I guess what I'm saying is did any
22 officers who were not dressed in SWAT gear come in and
23 talk to customers or talk to the manager or talk to
24 employees that you saw?

25 A No, sir.

1 Q Okay. So if they did, you just didn't see; is
2 that correct?

3 A No, what your question was, you just asked me if
4 any other officer came in there before the SWAT came
5 there, and I said no.

6 Q Okay. I mean, were you looking at the door the
7 whole time?

8 A No, sir, I wasn't looking at the door the whole
9 time. The whole time I was in there I was just sitting in
10 there eating my food and watching CNN on the television.

11 Q Okay. So you weren't watching the door, who was
12 walking in and walking out; is that correct?

13 A No, sir, I wasn't.

14 Q And you weren't watching what's going on behind
15 the counter?

16 A No, sir, I wasn't.

17 Q Okay. But you were watching CNN on the
18 television inside McDonald's?

19 A On the television inside the McDonald's,
20 (witness nods.)

21 Q Was CNN doing footage of Ferguson, Missouri
22 then, is that it?

23 A Yes, sir, they was.

24 Q Okay. While you're inside McDonald's, you
25 eventually walk out. Is it a fair statement that no

1 police officer touched you inside the McDonald's?

2 A They didn't.

3 Q Okay. So we're in agreement with that?

4 MR. PLUNKERT: Did you say they did not?

5 THE WITNESS: Yeah, that's what I just said,

6 they did not.

7 MR. LATTIMER: You emphasized that question?

8 MR. PLUNKERT: I didn't hear him properly,

9 Mr. Lattimer.

10 Q (by Mr. Hughes) So you walked outside, and you

11 do find your mom?

12 A Yes, sir, I did.

13 Q When you walk outside and find your mom, is she

14 then talking to anyone or is she just standing there or

15 what?

16 A Yes, sir, I said as I was inside the McDonald's,

17 and then after the SWAT members had told us to get out of

18 the McDonald's, I said I was walking towards the door and

19 I saw my mother talking to another SWAT member.

20 Q Well, just so I understand, when you say SWAT,

21 do you --

22 A He was dressed in all black.

23 Q In what?

24 A All black.

25 Q All black. Did he have a helmet?

1 A No.

2 Q Okay. Whoever it was your mom was talking to
3 did not have a helmet?

4 A No, sir, he didn't.

5 Q That's correct?

6 A Yes, sir.

7 Q Okay. And at the time your mom was talking to
8 this man, this officer who was wearing all black but not a
9 helmet, did the officer -- did that officer have any, you
10 know, weapons or sticks or anything in his hand?

11 A No, sir.

12 Q Okay. So that officer and your mom -- Well,
13 that officer that your mom was talking to, can you
14 describe him any other way? Was he tall? short? black?
15 white?

16 A He was tall, and I think he was black.

17 Q He was what?

18 A He was black.

19 Q Okay. Your mom was talking to a black officer?

20 A Yes, sir.

21 Q Okay. And was your mom having -- talking to him
22 in a normal voice --

23 A Yes, sir.

24 Q -- or was she yelling or, I mean, anything about
25 the conversation that stood out?

1 MR. LATTIMER: Objection as to relevance and
2 materiality.

3 Q (by Mr. Hughes) Just gathering the facts.

4 A Yes, sir, she was just talking to him normally.

5 Q Okay. And do you know what -- did you hear what
6 she was talking about or what this African-American
7 officer was talking about?

8 A Just a little bit, just saying where should we
9 go after we leave this McDonald's, saying what should we
10 do, that's all I heard her say to him.

11 Q Okay. And did he answer, that you heard?

12 A He answered, but I couldn't hear what he was
13 saying, because he was talking kind of low, there was a
14 lot of commotion and stuff in the background.

15 Q Okay. And did you and your mom remain standing
16 together in front of the McDonald's or did you immediately
17 start walking away, you and your mom?

18 A Well, after I walked outside and met her by the
19 door, me and her stood there for about a minute, and then
20 we had walked off on the side of the McDonald's across the
21 McDonald's parking lot.

22 Q Okay. So that was my question. I remember you
23 said when you were giving your narrative that you and your
24 mom walked away to -- on the McDonald's parking lot. So I
25 was just wondering how long it was that you were talking

1 to your mom before you did that, and the answer I think
2 you just said was about a minute; is that right?

3 A Are you talking about inside the McDonald's or
4 outside?

5 Q No, outside, outside.

6 A Yeah. Yes, sir.

7 Q And then you mentioned that the police, or you
8 said the SWAT members were forming a line?

9 A Yes, sir, they was.

10 Q Okay. And was there -- were you just waiting
11 for this line of officers to come up to you or did you and
12 your mom walk through the parking lot and just start
13 walking somewhere to get away from the line?

14 A Well, at first at the time I was startled and I
15 was scared and nervous all at the same time because I
16 didn't know what was going on, so I just -- I was just
17 walking with my mother, and we walked -- we had walked to
18 the right, because to the left was a group of officers in
19 different colored uniforms and stuff.

20 So after we walked across the parking lot, we
21 just stood there and we talked a little bit and then we --
22 and then we stood there, and then after the officers
23 started to like move forward and start to push us, then
24 that's when we started moving backward to the area that we
25 didn't belong to.

1 Q Okay. So when you say you didn't belong to the
2 area, that was a street you weren't familiar with; is that
3 what you mean?

4 A Yes, sir, yeah, that's exactly what I mean.

5 Q Okay. Now, when you say "we," you're not
6 talking about just you and your mom only, you're talking
7 about a group; is that correct?

8 A Yes, sir.

9 Q Okay. And how large was the group?

10 A I'm not sure, but it was a lot of people.

11 Q Okay. There was a group consisting of a lot of
12 people that were being moved by police?

13 A Yes, sir.

14 Q And they were being moved up to some street that
15 you were not familiar with?

16 A That's true.

17 Q And while you were being moved to the right up
18 the street, to a street you were not familiar with, was
19 your mom then saying anything to the police that you
20 recall?

21 A Well, at the time me and her was just following
22 directions, just listening to what the officers was
23 telling us to do, so we just continued to walk up the
24 street, but my mom, she kept on trying to talk to the
25 officers, telling them that we -- that we didn't belong to

1 A Yes, sir, when I -- when I looked, I saw my
2 mother, she had got -- she had got slammed on the ground,
3 and it was a whole bunch of officers surrounding her, and
4 one of the officers was on top of her, and I heard her
5 saying, "You all choking me," and stuff like that, and I
6 was a little -- I was kind of upset, I wanted to fight
7 back, but I didn't, so I just listened, I followed
8 directions and kept moving so nothing would happen to me,
9 because I was scared at the time, and I didn't know what
10 the officers were going to do to me, even if I did did
11 something.

12 Q Okay. Getting back to the question I asked you
13 before, you watched the video; is that correct?

14 A Yes, sir, I did.

15 Q You had never seen it before?

16 A No, I haven't. The only video I saw was the one
17 on CNN when I saw myself inside the McDonald's when the
18 CNN reporter was recording inside of McDonald's and I was
19 in the background behind the officer.

20 Q And, okay, getting back to the video. You saw
21 that your mother was being escorted with two officers; is
22 that correct?

23 A Yes, sir.

24 Q Okay. And you saw -- On the video you saw your
25 mother raised her leg, and that's when she went to the

1 ground?

2 MR. LATTIMER: Objection.

3 A No, sir.

4 MR. LATTIMER: She did testify that that didn't
5 happen.

6 A No, sir, that did not happen, I don't agree with
7 to that.

8 Q (by Mr. Hughes) I mean, you saw that on the
9 video?

10 A No, I didn't, I didn't see that part.

11 Q You didn't see that part where your mom was
12 walking and she kind of --

13 MR. LATTIMER: Asked and answered.

14 Q (by Mr. Hughes) -- raises her right leg and --
15 her right leg and left leg and then she's down and then
16 the officer --

17 A No, sir, I didn't see that, unless my eyes was
18 playing tricks on me, but I didn't see that.

19 Q Now, did you hear what the officers were saying
20 to your mom before she was arrested?

21 A The only part that I heard was that "You're
22 being arrested, you're being arrested," that's all I
23 heard.

24 Q That's fine. I'm here to discover what you saw
25 and what you heard. So how far away were you from your

1 mom when you heard -- You said I only heard, "You're being
2 arrested, you're being arrested." How far away were you
3 from your mom at that point?

4 A I was about five feet away from her.

5 Q Okay. But before that, even though you're just
6 five feet away, you did not hear what the officer was
7 saying to your mom; is that correct?

8 MR. LATTIMER: Objection, misstates the
9 testimony, he said he heard them say, "You're being
10 arrested."

11 MR. PLUNKERT: Can we keep the objections brief?

12 MR. HUGHES: Yeah, stop telling him -- giving
13 him -- telling him what to say.

14 MR. LATTIMER: As soon as you start answering
15 proper questions, as soon as you stop -- as soon as you
16 stop taking this deposition in places that it shouldn't be
17 going, as soon as you stop wasting time, then we'll get to
18 that, but you're trying to trick somebody, you're asking
19 questions, he's answered the questions, and then you want
20 to play tricks, you want to play games, and you think I'm
21 going to let that happen, it's not. Then you want me
22 to -- Then you want to tell me, well, make this type of
23 objection, make that type of objection. Ask proper
24 questions. Conduct the deposition properly.

25 MR. PLUNKERT: This is discovery.

1 MR. LATTIMER: Stop trying to put words in his
2 mouth, stop saying that you're doing a discovery
3 deposition when you're actually acting like you're at
4 trial. Stop doing that.

5 MR. PLUNKERT: This is disruptive at this point.

6 MR. HUGHES: Yeah.

7 MR. LATTIMER: I'm disruptive?

8 MR. PLUNKERT: Yes, sir.

9 MR. LATTIMER: Okay, right. And so what's next?

10 MR. HUGHES: I'm going to ask the court reporter
11 to read Mr. Davis's statement, the part where he -- you
12 know, a little while ago where he said --

13 MR. LATTIMER: He heard him say "I'm arresting
14 you, you're arrested, you're arrested," that's what he
15 said.

16 MR. HUGHES: -- when I asked a question did you
17 hear what the police said to your mom before she was
18 arrested. Can you find that question? When I asked that
19 question and what his answer was.

20 (Whereupon the following question and answer
21 were read by the court reporter:

22 QUESTION: Now, did you hear what the officers
23 were saying to your mom before she was arrested?

24 ANSWER: The only part that I heard was that
25 "You're being arrested, you're being arrested," that's all

1 Q And you heard the answer -- And you heard her
2 read that your answer was "I only heard that you've been
3 arrested, you're being arrested;" is that correct?
4 A Yes, sir, that's correct.
5 Q So then, again, my question was, did you hear
6 what the police said before they arrested her, and so is
7 your answer no?
8 A No.
9 Q And so you were about five feet away from her,
10 but you just did not hear?
11 A Yes, sir.
12 Q Okay. So were you just focused on something
13 else at the time?
14 A No, at the time there was a lot of commotion and
15 other sounds in the background, so I couldn't hear what
16 they was saying to her.
17 Q All right.
18 A It was a lot going on at the time.
19 Q Okay. Let's -- Why don't you explain to me what
20 you meant when you said a lot was going on at the time,
21 there was a lot of commotion.
22 A That means that there were -- there were a lot
23 of other people in the background like talking and
24 screaming and stuff in the background and other officers
25 in the back just telling us to keep moving forward.

1 Q Okay.

2 A But I had stopped, because an officer had locked
3 me up.

4 Q Okay. So let's -- You just said -- When I asked
5 you what you meant by a lot of commotion, a lot going on,
6 you just said there was a lot of people in the background
7 talking and screaming?

8 A Yes, sir.

9 Q So do you hear them -- what they were talking
10 about and what they were screaming about?

11 MR. LATTIMER: Objection as to relevance and
12 materiality.

13 A They was just saying that can we please go home.

14 Q (by Mr. Hughes) Were people making any threats
15 at the police officers?

16 A I cannot recall.

17 Q You just don't recall one way or the other?

18 A Yeah. Yes, sir.

19 Q So after your mom -- After you heard your mom --
20 After you heard that "You're being arrested, you're being
21 arrested," did you observe an officer putting some cuffs
22 on your mom at that point?

23 A Well, at that point, like I said, I seen some
24 officers surrounding my mother when she was on the ground.

25 Q Well, allow me to repeat the question, and I

1 Q All right. So you just said when you looked
2 over there she was on the ground?

3 A Yes, sir.

4 Q So as I think that means, you did not see her go
5 down to the ground, it's just when you looked over there
6 she was already on the ground?

7 A Yes, sir.

8 Q Okay. And so you don't know how it was that she
9 got on the ground?

10 A No, sir.

11 Q That's correct then, right?

12 A Yeah.

13 Q All right. And so let me talk about there was
14 an officer that arrested you?

15 A Yes, sir.

16 Q Now, in the video that we were watching during
17 your mom's deposition, you walked by -- you walked past --
18 you were seen in the video carrying what looked like a
19 large soda and an iPad and maybe an ice cream, but you
20 were carrying that stuff; is that correct?

21 A That's correct, I was holding that stuff, but --

22 Q And so at this point you weren't handcuffed, at
23 that point?

24 A Yes, sir, yeah, at that point I wasn't
25 handcuffed, but, like I said, that video that I saw was

1 A No, he didn't say that, he said, "You coming
2 with us, too," and then he just grabbed me and turned me
3 around, and then like he shoved me and then he put some
4 plastic handcuffs behind me, and he was Caucasian.

5 Q Do you remember before you were arrested an
6 officer told you you need to leave the area?

7 A Can you say the question again?

8 Q Do you remember before you were told you're
9 being -- you're under arrest, an officer or detective told
10 you you have to leave, you have to move on?

11 A No, sir.

12 Q Do you remember an African-American officer --
13 Well, do you remember having a discussion with an
14 African-American officer?

15 A When?

16 Q After your mom was being arrested.

17 A No, sir.

18 Q Do you remember saying, "Don't hurt my mom"?

19 A Oh, yes, sir.

20 Q And do you remember the officer said, "They're
21 not hurting her"?

22 A Yes, sir.

23 Q And do you remember that officer then told you
24 to leave the area?

25 A No, sir, I don't remember that.

1 other officer?

2 A Well, no -- Well, at that time, I was arrested
3 at that time.

4 Q How is it that you know you were arrested?

5 A Because I had plastic handcuffs behind my back.

6 Q So you don't remember an officer saying, "You're
7 under arrest"?

8 A Actually I do remember that.

9 Q Okay.

10 A But he didn't say it like that, he just said,
11 "Oh, you're coming with us, too," that's what he said, he
12 didn't say, "Oh, you're under arrest."

13 Q Okay. When the officer said, "You're coming
14 with us, too" --

15 A Yes, sir.

16 Q -- is it true that you just put your hands
17 behind your back and allowed them to cuff you?

18 A Yes, sir.

19 Q Okay. So you didn't -- There wasn't any
20 resistance or --

21 A Yes, sir.

22 Q Is that correct?

23 A Yeah, that's correct.

24 Q There wasn't any force used?

25 A Yes, sir.

1 Q And at the time you were arrested, is it correct
2 that the rest of the crowd, other than you and your mom,
3 had moved on, had moved down?

4 A Yes, sir.

5 Q Okay. So at the time that your mom was arrested
6 and you were arrested, the rest of the crowd was no longer
7 around, but it was just you and your mom there; is that
8 correct?

9 A Yes, sir, that's correct.

10 Q Okay. And you mentioned that you were put
11 into -- I'm not going to use the term you used, but you
12 were put in a police wagon, why don't I use that term,
13 okay?

14 A Yes, sir.

15 Q Before you were put in a police wagon, were you
16 put in a car or you were taken directly to the police
17 wagon?

18 A I was put in a car first.

19 Q Okay. And that was not the same car your mom
20 was put in; is that correct?

21 A Yes, sir, that's correct.

22 Q Okay. And did you -- Was that car driven to the
23 police wagon?

24 A I don't recall.

25 Q Well, at some point you were transferred from